

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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Commission Action:



## RECORD PACKET COPY

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 4-01-065

**APPLICANTS:** Ed and Barbara Farmer

**AGENT:** Don Schmitz

**PROJECT LOCATION:** 1747 Decker Road, Malibu, Los Angeles County

**PROJECT DESCRIPTION:** Construction of a two-story, 29 ft. high, 4,991 sq. ft. single family residence, with attached three-car garage, swimming pool, 627 sq. ft. pool house, driveway, turnaround, retaining wall, septic system, and approximately 10,230 cu. yds. of grading (312 cu. yds. cut, 9,918 cu. yds. fill).

<b>Lot area:</b>	2.54 acres
<b>Building coverage:</b>	4,040 square feet
<b>Pavement coverage:</b>	12,478 square feet
<b>Unimproved:</b>	93, 976 square feet

**LOCAL APPROVALS RECEIVED:** County of Los Angeles Planning Department, Approval in Concept, April 13, 2000; County of Los Angeles Geologic Review, Approval in Concept, March 26, 2002; County of Los Angeles Soils Engineering Review, Approval in Concept, March 27, 2002; County of Los Angeles, Fire Department, Approval in Concept, February 1, 2000; County of Los Angeles, Environmental Health, Approval in Concept, July 18, 2001; County of Los Angeles, Fire Department, Fuel Modification Plan, Preliminary Approval, December 3, 2001.

**SUBSTANTIVE FILE DOCUMENTS:** Certified Malibu/Santa Monica Mountains Land Use Plan (1986); "A Phase I Archaeological Study for 1747 Decker Road, Malibu, County of Los Angeles, California," Robert J. Wlodarski, August 2001; "Geotechnical and Geologic Engineering Update Reconnaissance Investigation and Report and Assumption of Geotechnical Consultants of Record for Proposed Residential Development at 1757 Decker Canyon Road, Los Angeles County, California," Ralph Stone and Company, Inc., December 15, 2000; "Groundwater Letter Regarding Private Sewage Disposal System for Proposed Residence at 1757 Decker Canyon Road,

Malibu Area, Los Angeles County, California," Ralph Stone and Company, Inc.,  
December 18, 2000.

## **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with ten (10) special conditions regarding conformance with geologic recommendations, landscape and erosion control plans, drainage and polluted runoff control plan, pool drainage and maintenance, wildfire waiver of liability, streambed alteration, removal of natural vegetation, future development restriction, lighting restrictions, and deed restriction.

### **I. STAFF RECOMMENDATION**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 4-01-065 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

### **II. STANDARD CONDITIONS**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittees or

authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittees to bind all future owners and possessors of the subject property to the terms and conditions.

### III. **SPECIAL CONDITIONS**

#### 1. **Plans Conforming to Geologic Recommendations**

All recommendations contained in the reports prepared by Ralph Stone and Company, Inc. ("Geotechnical and Geologic Engineering Update Reconnaissance Investigation and Report and Assumption of Geotechnical Consultants of Record for Proposed Residential Development at 1757 Decker Canyon Road, Los Angeles County, California," dated December 15, 2000; and "Groundwater Letter Regarding Private Sewage Disposal System for Proposed Residence at 1757 Decker Canyon Road, Malibu Area, Los Angeles County, California," dated December 18, 2000) shall be incorporated into all final design and construction including foundations, grading, excavation, retaining walls, sewage disposal, and drainage. Final plans must be reviewed and approved by the project's consulting geotechnical engineer. Prior to the issuance of the Coastal Development Permit, the applicants shall submit, for review and approval by the Executive Director, evidence of the consultant's review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require an amendment to the permit or a new Coastal Development Permit.

## 2. Landscaping and Erosion Control Plans

Prior to issuance of the Coastal Development Permit, the applicants shall submit landscaping, erosion control, and fuel modification plans prepared by a licensed landscape architect or qualified resource specialist for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the engineering geologist to ensure that the plans are in conformance with the consultant's recommendations. The plans shall incorporate the following criteria:

### A) Landscaping Plan

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist primarily of native, drought resistant plants, as listed by the California Native Plant Society, Santa Monica Mountains Chapter in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996. Invasive, non-indigenous plant species that tend to supplant native species shall not be used.
- 2) The plan shall include a detailed restoration and revegetation plan, prepared by a qualified restorationist, for the existing driveway area shown in Exhibit 9.
- 3) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.
- 4) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- 5) The Permittees shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the Coastal Development Permit, unless the Executive Director determines that no amendment is required.
- 6) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200 foot radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the

types, sizes, and location of plant materials to be removed, and how often thinning is to occur. In addition, prior to issuance of the Coastal Development Permit, the applicants shall submit evidence that the final fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Irrigated lawn, turf, and ground cover planted within the 50 foot radius of the proposed structures shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

## **B) Interim Erosion Control Plan**

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31), the applicants shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than thirty (30) days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles, mats, sand bag barriers, and/or silt fencing; and temporary drains, swales, and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

## **C) Monitoring**

Five years from the date of the receipt of the certificate of occupancy for the residence, the applicants shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified

resource specialist that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicants (or successors in interest) shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

### **3. Drainage and Polluted Runoff Control Plan**

Prior to issuance of the Coastal Development Permit, the applicants shall submit, for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with engineering geologist's recommendations. In addition to the above specifications, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate, or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85<sup>th</sup> percentile, one (1) hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned, and repaired when necessary prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage, filtration structures, or other BMPs fail or result in increased erosion, the applicants, landowner, or successor-in-interest shall be responsible for any necessary repairs to the drainage, filtration system, and BMPs and restoration of any eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicants shall submit a repair and restoration plan to the

Executive Director to determine if an amendment or new Coastal Development Permit is required to authorize such work.

#### **4. Pool Drainage and Maintenance**

*Prior to issuance of the Coastal Development Permit*, the applicant shall submit, for review and approval of the Executive Director, a written pool drainage and maintenance plan, that contains an agreement to install and use a no chlorine or low chlorine purification system and a program to maintain proper pH, calcium and alkalinity balance in a manner that any runoff or drainage from the pool will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area. In addition, the plan shall, at a minimum: 1) prohibit discharge of chlorinated pool water and 2) prohibit discharge of chlorinated or non-chlorinated pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters. The Permittees shall undertake development and maintenance in compliance with this pool and spa maintenance agreement and program approved by the Executive Director. No changes shall be made to the agreement or plan unless they are approved by the Executive Director.

#### **5. Wildfire Waiver of Liability**

Prior to the issuance of a Coastal Development Permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

#### **6. Removal of Natural Vegetation**

Removal of natural vegetation for the purpose of fuel modification within the 50 foot zone surrounding the proposed structure(s) shall not commence until the local government has issued a building or grading permit for the development approved pursuant to this permit. Vegetation thinning within the 50-200 foot fuel modification zone shall not occur until commencement of construction of the structure(s) approved pursuant to this permit. Removal of natural vegetation for the purpose of landslide repair shall not occur until commencement of that project.

#### **7. Streambed Alteration**

Prior to the issuance of the coastal development permit, the applicant shall submit

a completed Streambed Alteration Agreement with the Department of Fish and Game (DFG), or DFG notification that a Streambed Alteration Agreement is not required.

#### **8. Future Development Restriction**

This permit is only for the development described in coastal development permit 4-01-065. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit 4-01-065. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit 4-01-065 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### **9. Lighting Restrictions**

- A. The only outdoor night lighting allowed on the subject parcel is limited to the following:
1. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed two feet in height above finished grade, are directed downward and generate the same or less lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized by the Executive Director.
  2. Security lighting attached to the residence and garage shall be controlled by motion detectors and is limited to same or less lumens equivalent to those generated by a 60 watt incandescent bulb.
  3. The minimum necessary to light the entry area to the driveway with the same or less lumens equivalent to those generated by a 60-watt incandescent bulb.
- B. No lighting around the perimeter of the site and no lighting for aesthetic purposes is allowed.

#### **10. Deed Restriction**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to



this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Project Description and Background**

The applicants propose to construct a two-story, 29 ft. high, 4,991 sq. ft. single family residence, with attached three-car garage, swimming pool, 627 sq. ft. pool house, driveway, turnaround, retaining wall, septic system, and approximately 10,230 cu. yds. of grading (312 cu. yds. cut, 9,918 cu. yds. fill). (**Exhibits 2-8**).

The approximately 2.54 acre project site is located on Decker Road, near the intersection of Lechusa Road, in Unincorporated Malibu, Los Angeles County. The area surrounding the project site is sparsely developed with single family residences, primarily on the opposite side of Decker Road. The project site contains an approximately 300 foot long driveway and approximately 8,000 sq. ft. graded pad that appear in aerial photographs taken prior to the effectiveness date of the Coastal Act.

Site topography is characterized by opposing slopes that descend northwesterly from Decker Road and southerly from the northern property line to an unnamed drainage course that bisects the property. Average slope gradient is approximately 2:1, with some slopes as steep as 1.5:1. The pad is cut into the south-facing slope, across the stream and opposite Decker Road. The pad is located approximately 50 feet below the level of the road, and 10 to 60 feet above the drainage course, which descends as it flows westerly towards the property line. The drainage course is culverted for a distance of approximately 80 feet beneath the existing driveway.

Vegetation on the existing pad consists of sparse weedy species. Vegetation on the slopes consists of contiguous chaparral, an environmentally sensitive habitat in the Santa Monica Mountains. A wildlife migration corridor, as mapped in the certified 1986 Malibu/Santa Monica Mountains Land Use Plan, is located immediately north of the project site.

The proposed project will not be visible from any trail, scenic highway, or other public viewing area. An Initial Evaluation of cultural resources conducted on the subject site found no evidence of prehistoric or historic archaeological resources.

The existing driveway exceeds the maximum grade allowed under Los Angeles County Fire Department access standards, and therefore the applicants propose to construct a new driveway to meet fire access requirements. Due to the steepness of the slopes descending to the pad from Decker Road, an approximately 275 foot long driveway aligned more closely parallel to existing slope contours is necessary to achieve an average grade of 17%, with no grade greater than 20%, as required by the Los Angeles County Fire Department. In addition, driveways over 150 feet long must be at least 20 feet wide, and must include a turnaround under Los Angeles County Fire Department standards. As proposed, the construction of the driveway and turnaround will require 9,918 cu. yds. of fill. The applicants propose to extend the culvert underneath the existing driveway approximately 200 feet in order to accommodate the new driveway.

Commission staff civil engineer Leslie Ewing has examined the proposed grading plan for the project site. Based upon her review and discussions with LA County Fire Department personnel, she has determined that no feasible alternatives exist that would substantially lessen impacts to the drainage course and surrounding ESHA, while meeting LA County Fire Department access standards.

## **B. Hazards and Geologic Stability**

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

The applicant has submitted two geologic reports prepared by Ralph Stone and Company, Inc. ("Geotechnical and Geologic Engineering Update Reconnaissance Investigation and Report and Assumption of Geotechnical Consultants of Record for Proposed Residential Development at 1757 Decker Canyon Road, Los Angeles County, California," dated December 15, 2000; and "Groundwater Letter Regarding Private Sewage Disposal System for Proposed Residence at 1757 Decker Canyon Road, Malibu Area, Los Angeles County, California," dated December 18, 2000). The reports make numerous recommendations regarding drainage, grading, foundations, retaining walls, setbacks, footings, slabs, sewage disposal, plan review, and site observation.

The Ralph Stone and Company, Inc. report dated December 15, 2001 concludes:

*It is the opinion of the undersigned, based upon data obtained as outlined in this updated and reference geotechnical and geologic engineering reports, that if constructed in accordance with our recommendations and the recommendation of the other project consultants, and properly maintained the proposed structures will be safe against hazard from landslide, settlement, or slippage, and that the proposed building or grading construction will have no adverse effect on the geotechnical stability of property outside of the building site. The nature and extent of the data obtained for purposes of this declaration are, in the opinion of the undersigned, in conformance with generally accepted practice in the area.*

Therefore, based on the recommendations of the applicant's engineering geologic consultants, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the engineering geologic consultant's recommendations are incorporated into the final project plans and designs. Therefore, it is necessary to require the applicant to submit final project plans that have been certified in writing by the engineering geologic consultant as conforming to all recommendations of the consultant, in accordance with **Special Condition One (1)**.

### Erosion

Section 30253 of the Coastal Act requires that new development neither create nor contribute significantly to erosion. As noted above, the site of the proposed project is an approximately 2.54 acre lot that descends at gradients up to 1.5:1 down the slopes of a secondary canyon. The canyon slopes are vegetated primarily with native chaparral. Runoff from the site travels down the slopes into an unnamed drainage course.

The applicants propose to construct a 4,991 sq. ft. single family residence, with attached three-car garage, swimming pool, 627 sq. ft. pool house, driveway, turnaround, retaining wall, septic system, and approximately 10,230 cu. yds. of grading (312 cu. yds. cut, 9,918 cu. yds. fill).

In total, the project will result in 16,518 sq. ft. of impervious surface area on the site, increasing both the volume and velocity of storm water runoff. Unless surface water is controlled and conveyed off of the site in a non-erosive manner, this runoff will result in increased erosion on and off the site.

Uncontrolled erosion leads to sediment pollution of downgradient water bodies. Surface soil erosion has been established by the United States Department of Agriculture, Natural Resources Conservation Service, as a principal cause of downstream sedimentation known to adversely affect riparian and marine habitats. Suspended sediments have been shown to absorb nutrients and metals, in addition to other contaminants, and transport them from their source throughout a watershed and ultimately into the Pacific Ocean. The construction of single family residences in sensitive watershed areas has been established as a primary cause of erosion and resultant sediment pollution in coastal streams.

In order to ensure that erosion and sedimentation from site runoff are minimized, the Commission requires the applicant to submit a drainage plan, as defined by **Special Condition Three (3)**. **Special Condition Three (3)** requires the implementation and maintenance of a drainage plan designed to ensure that runoff rates and volumes after development do not exceed pre-development levels and that drainage is conveyed in a non-erosive manner. Fully implemented, the drainage plan will reduce or eliminate the resultant adverse impacts to the water quality and biota of coastal streams. This drainage plan is fundamental to reducing on-site erosion and the potential impacts to coastal streams. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

In addition, the Commission finds that temporary erosion control measures implemented during construction will also minimize erosion and enhance site stability. **Special Condition Two (2)** therefore requires the applicant to implement interim erosion control measures should grading take place during the rainy season. Such measures include stabilizing any stockpiled fill with geofabric covers or other erosion-controlling materials, installing geotextiles or mats on all cut and fill slopes, and closing and stabilizing open trenches to minimize potential erosion from wind and runoff water.

The Commission also finds that landscaping of graded and disturbed areas on the subject site will reduce erosion and serve to enhance and maintain the geologic stability of the site, provided that minimal surface irrigation is required. Therefore, **Special Condition Two (2)** requires the applicant to submit landscaping plans, including irrigation plans, certified by the consulting geologists as in conformance with their recommendations for landscaping of the project site. **Special Condition Two (2)** also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that the use of such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and therefore aid in preventing erosion.

In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development. Such changes have resulted in the loss of native plant species and the soil retention benefits they offer. As noted, the implementation of **Special Condition Two (2)** will ensure that primarily native plant species are used in the landscape plans

and that potentially invasive non-native species are avoided. Therefore, the Commission finds that in order to ensure site stability and erosion control, the disturbed and graded areas of the site shall be landscaped with appropriate native plant species, as specified in **Special Condition Two (2)**.

Furthermore, to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds that it is necessary to impose a restriction on the removal of natural vegetation as specified in **Special Condition Six (6)**. In the absence of adequately constructed drainage and run-off control devices and implementation of the landscape and interim erosion control plans, loss of natural vegetative cover may result in unnecessary erosion. **Special Condition Six (6)** specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted structures has commenced.

Finally, in order to ensure that any future site development is reviewed for its potential to create or contribute to erosion, the Commission finds it necessary to impose **Special Condition Eight (8)**, which requires the applicants to obtain a coastal development permit for any future development on the site, including improvements that might otherwise be exempt from permit requirements.

### Wild Fire

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wild fire. Typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney in Barbour, *Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wild fires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wild fire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicants assume the liability from these associated risks. Through **Special Condition Five (5)**, the wildfire waiver of liability, the applicants acknowledge the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Five (5)**, the applicants also agree to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

Finally, **Special Condition Ten (10)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

In summary, the Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

### **C. Sensitive Habitat**

Section 30240 of the Coastal Acts states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

*"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Section 30231 requires that the biological productivity and quality of coastal waters be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, and maintaining natural buffer areas.

In addition, Sections 30107.5 and 30240 of the Coastal Act state that environmentally sensitive habitat areas must be protected against disruption of habitat values. Therefore, when considering any area, such as the Santa Monica Mountains, with regard to an ESHA determination, one must focus on three main questions:

- 1) Is a habitat or species rare or especially valuable?
- 2) Does the habitat or species have a special nature or role in the ecosystem?
- 3) Is the habitat or species easily disturbed or degraded by human activities and developments?

In making ESHA determinations, scale is important. Both temporal and spatial scales must be considered in determining ecologically sensitive habitat, and at different scales the conclusions may vary. Whereas on a local scale a small patch of degraded habitat

might not be called ESHA, on a landscape scale its status might be different. For example, on a landscape scale it may form a vital stepping stone for dispersal of a listed species between larger habitat patches. At this scale it is valuable, performing an important role in the ecosystem, and is easily degraded by human activities and developments. Thus the degraded habitat would fit the Coastal Act definition of ESHA. Similarly, habitats in a largely undeveloped region far from urban influences may not be perceived as rare or functionally important, whereas a large area of such habitats surrounded by a dense urban area may be exceedingly rare and each constituent habitat within it an important functional component of the whole. Therefore, in order to appropriately assess habitat sensitivity, it is important to consider all applicable ecological scales and contexts. In addition to spatial and temporal scales, there are species scales. For example, one can focus on single species (e. g., mountain lions, flycatchers or tarplants), or one can focus on whole communities of organisms (e.g., coastal sage scrub or chaparral) or interconnected habitats in a geographic region (e.g., the Santa Monica Mountains and its habitats). On a global scale, in terms of numbers of rare endemic species, endangered species and habitat loss, the Malibu/Santa Monica Mountains area is part of a local hot-spot of endangerment and extinction and is in need of special protection (Myers 1990, Dobson et al. 1997, Myers et al. 2000).

In the case of the Santa Monica Mountains, its geographic location and role in the ecosystem at the landscape scale is critically important in determining the significance of its native habitats. Areas such as the project site contribute to habitat connectivity between the coast and large, undisturbed habitat areas in the Santa Monica Mountains and the Sierra Madre, San Gabriel and San Bernardino Mountains to the north. These corridors are home to many listed species and are easily disturbed by development. Some of these corridors have already been subject to considerable development near the coast, e.g. Las Flores Canyon, Malibu Creek & Lagoon, Ramirez Canyon and Trancas Canyon. Proceeding inland from the coast, however, the quality of the habitat improves rapidly and soon approaches a relatively undisturbed environment consisting of steep canyons containing riparian oak-sycamore bottoms, with coastal sage scrub and chaparral ascending the canyon walls.

The project site is located in the Santa Monica Mountains, approximately ½ mile northeast of the headwaters of Los Alisos Canyon, in western unincorporated Malibu. The area surrounding the project site is sparsely developed with single family residences, primarily on the opposite side of Decker Road.

Site topography is characterized by opposing slopes that descend northwesterly from Decker Road and southerly from the northern property line to an unnamed drainage course that bisects the property. Average slope gradient is approximately 2:1, with some slopes as steep as 1.5:1. An existing, approximately 8,000 sq. ft. pad is cut into the south-facing slope, across the stream and opposite Decker Road. The drainage course is culverted for a distance of approximately 80 feet beneath an existing driveway that provides access to the pad from Decker Road.

Vegetation on the slopes descending to the stream consists of contiguous chaparral, an environmentally sensitive habitat in the Santa Monica Mountains. A wildlife migration corridor, as mapped in the certified 1986 Malibu/Santa Monica Mountains Land Use Plan, is located immediately north of the project site. The drainage course and dense chaparral cover on the site provides important habitat and connectivity between coastal canyons, such as the nearby Los Alisos Canyon and Lechuza Canyon, and the Santa Monica Mountains.

The slopes and drainage course on the project site constitute an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5. Section 30240(a) requires that ESHAs be protected against any "significant disruption of habitat values," and allows only uses dependent on ESHA to be permitted in ESHA. Section 30240(b) requires that development in areas adjacent to ESHA be sited and designed to prevent impacts which would degrade ESHA, and be compatible with the continuance of the ESHA. In addition, the certified Malibu Santa Monica Mountains Land Use Plan, which has been used as guidance in previous Commission actions, requires residential development to be set back 100 feet from ESHA.

As explained above, the majority of the parcel, except for the previously graded and disturbed pad and driveway, contains vegetation that constitutes an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5. The graded pad and driveway, while not ESHA, are subject to the provisions of Section 30240(b) which apply to development in areas adjacent to ESHA. The applicants propose approximately 10,000 cu. yds. of grading for an access driveway in ESHA, and the construction of a single family residence on the pad adjacent to ESHA.

As driveways for single family residences do not have to be located within ESHAs to function, the Commission does not consider them to be a use dependent on ESHA resources. Application of Section 30240, by itself, would require denial of the project, because the project would result in significant disruption of habitat values and is not a use dependent on those sensitive habitat resources. In addition, application of the 100-foot setback standard from ESHA would eliminate all potential development area on the site.

However, the Commission must also consider Section 30010, and the Supreme Court decision in *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 112 S.Ct. 2886. Section 30010 of the Coastal Act provides that the Coastal Act shall not be construed as authorizing the Commission to exercise its power to grant or deny a permit in a manner which will take private property for public use. Application of Section 30010 may overcome the presumption of denial in some instances. The subject of what government action results in a "taking" was addressed by the U.S. Supreme Court in *Lucas v. South Carolina Coastal Council*. In *Lucas*, the Court identified several factors that should be considered in determining whether a proposed government action would result in a taking. For instance, the Court held that where a permit applicant has demonstrated that he or she has a sufficient real property interest in the property to allow the proposed project, and that project denial would deprive his



or her property of all economically viable use, then denial of the project by a regulatory agency might result in a taking of the property for public use unless the proposed project would constitute a nuisance under State law. Another factor that should be considered is the extent to which a project denial would interfere with reasonable investment-backed expectations.

The Commission interprets Section 30010, together with the *Lucas* decision, to mean that if Commission denial of the project would deprive an applicant's property of all reasonable economic use, the Commission may be required to allow some development even where a Coastal Act policy would otherwise prohibit it, unless the proposed project would constitute a nuisance under state law. In other words, Section 30240 of the Coastal Act cannot be read to deny all economically beneficial or productive use of land because Section 30240 cannot be interpreted to require the Commission to act in an unconstitutional manner.

In the subject case, the applicant purchased the property in January 1991 for. The parcel was designated in the County's certified Land Use Plan in 1986 for residential use. Residential development has previously been approved by the Commission on other parcels in the near vicinity that generally contained the same type of habitat as the applicant's parcel [Coastal Development Permit 4-99-126 (Frymer), Coastal Development Permit 4-92-246 (Ulmer)]. At the time the applicant purchased the parcel, the County's certified Land Use Plan did not designate the vegetation on the site as ESHA. Based on this fact, along with the presence of existing and approved residential development on nearby parcels, the applicant had reason to believe that they had purchased a parcel on which they would be able to build a residence.

The Commission finds that in this particular case, other allowable uses for the subject site, such as a recreational park or a nature preserve, are not feasible and would not provide the owner an economic return on the investment. The parcel is 2.54 acres, and is surrounded by other residentially-zoned undeveloped parcels, however, as noted above there are existing parcels developed or approved with residential development located in the near vicinity. Public parkland has been acquired in the vicinity; for instance, National Park Service's Arroyo Sequit Ranch is located approximately ½ mile northwest of the project site, and additional National Park Service land is located approximately ½ mile west of the project site. However, there is no indication that a public agency would consider it a priority to purchase a small parcel such as the project site. Additionally, given the fact that the parcel is non-contiguous with the parkland and there is existing residential development on parcels separating the subject site from the parkland, it is unlikely that a public agency would attempt to acquire the site for a park or preserve. The Commission thus concludes that in this particular case there is no viable alternative use for the site other than residential development. The Commission finds, therefore, that outright denial of all residential use on the property would interfere with reasonable investment-backed expectations and deprive the property of all reasonable economic use.

Next the Commission turns to the question of nuisance. There is no evidence that construction of a residence on the subject property would create a nuisance under California law. Other houses have been constructed in similar situations in coastal sage scrub and/or chaparral habitat in Los Angeles County, apparently without the creation of nuisances. The County's Health Department has not reported evidence of septic system failures. In addition, the County has reviewed and approved the applicant's proposed septic system, ensuring that the system will not create public health problems. Furthermore, the use that is proposed is residential, rather than, for example, industrial, which might create noise or odors or otherwise create a public nuisance. In conclusion, the Commission finds that a residential project can be allowed to permit the applicant a reasonable economic use of their property consistent with Section 30010 of the Coastal Act.

While the applicant is entitled under Section 30010 to an assurance that the Commission will not act in such a way as to take their property, this section does not authorize the Commission to avoid application of the policies of the Coastal Act, including Section 30240, altogether. Instead, the Commission is only directed to avoid construing these policies in a way that would take property. Aside from this instruction, the Commission is still otherwise directed to enforce the requirements of the Act. Therefore, in this situation, the Commission must still comply with Section 30240 by avoiding impacts that would disrupt and/or degrade environmentally sensitive habitat, to the extent this can be done without taking the property.

Commission staff, including staff civil engineer Leslie Ewing, has considered whether alternative proposals for residential development on the subject parcel exist that would minimize adverse impacts to ESHA. Utilization of the existing driveway is not feasible given the much greater amount of fill that would be required to reduce the grade to a percentage that would meet Fire Department access standards. Similarly, creation of a pad adjacent to the road would also require large amounts of fill and the removal of native chaparral on the canyon slopes. Commission staff has found no alternatives that would significantly reduce grading in the stream channel and removal of native vegetation while meeting fire access standards. Therefore, there is no alternative location for the residence on the parcel that could reduce adverse impacts to ESHA.

In addition, the Fire Department requires fuel modification in a 200-foot radius from all habitable structures to reduce the risks of wildfire. The fuel modification requirements will cause significant disruption of habitat values in ESHA. Again, no alternative location for the residence exists that would reduce fuel modification while meeting fire access standards. However, in order to ensure the most minimal disturbance feasible of the surrounding sensitive habitat, **Special Condition Two (2)** requires the applicants to submit a final long-term fuel modification plan for the review and approval of the Executive Director.

Although no alternative siting exists to reduce grading and vegetation clearance in ESHA, additional actions can be taken to minimize adverse impacts to ESHA. The Commission finds that the use of non-native and/or invasive plant species for

residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the Malibu/Santa Monica Mountains area. Adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes that the use of exotic plant species for residential landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area. Therefore, in order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area, **Special Condition Two (2)** requires that all landscaping consist primarily of native plant species and that invasive plant species shall not be used. **Special Condition Two (2)** also requires the revegetation and restoration of an area of the existing driveway, in order to mitigate impacts to the native vegetation from construction of the new driveway.

Landscaping of the disturbed areas of the subject site, particularly steep slopes, with native plant species will also assist in preventing erosion, as discussed in Section B above. Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. The landscape and fuel modification plan required under **Special Condition Two (2)** will also mitigate adverse impacts to native vegetation, surrounding resources, and water quality. Therefore, the Commission finds that **Special Condition Two (2)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

The Commission notes that seasonal streams and drainages, such as the drainage course located on the subject site, in conjunction with primary waterways, provide important habitat for sensitive plant and animal species. Section 30231 of the Coastal Act provides that the quality of coastal waters and streams shall be maintained and restored whenever feasible through means such as: controlling runoff, preventing interference with surface water flows and alteration of natural streams, and by maintaining natural vegetation buffer areas. In past permit actions the Commission has found that new development adjacent to coastal streams and natural drainages results in potential adverse impacts to riparian habitat and marine resources from increased erosion, contaminated storm runoff, introduction of non-native and invasive plant species, disturbance of wildlife, and loss of riparian plant and animal habitat.

The Commission finds that potential adverse effects of the proposed development on riparian habitat at the site may be minimized through the implementation of a drainage and polluted runoff control plan, which will ensure that erosion is minimized and polluted run-off from the site is controlled and filtered before it reaches natural drainage courses within the watershed. Therefore, the Commission requires **Special Condition Three (3)**, the Drainage and Polluted Run-off Control Plan, which requires the applicant to incorporate appropriate drainage devices and Best Management Practices (BMPs) to

ensure that run-off from the proposed structures and impervious surfaces is conveyed off-site in a non-erosive manner and is treated/filtered to reduce pollutant load before it reaches coastal waterways. (See Section D. Water Quality for a more detailed discussion of coastal water quality). In addition, **Special Condition Seven (7)** is necessary in order to ensure that appropriate measures are taken to mitigate the placement of fill in the drainage course and the extension of the culvert. **Special Condition Seven (7)** requires the applicants to submit a Department of Fish and Game Streambed Alteration Agreement, or notification that such a permit is not required, prior to issuance of the coastal development permit.

The Commission has found, in past permit actions, that night lighting of a high intensity has the potential to disrupt the behavior of wildlife that occupy or migrate through the sensitive habitat area on and adjacent to the project site. As noted above, the project site is located adjacent to a mapped wildlife migration corridor and contains features such as dense chaparral cover and a drainage course that facilitate wildlife movement. Therefore, **Special Condition Nine (9)** is necessary to reduce the disruptive effects of night lighting on wildlife by restricting outdoor night lighting to the minimum amount required for safety. In addition, **Special Condition Eight (8)** addresses future development by ensuring that all future development proposals for the site, which might otherwise be exempt from review, would require prior review so that potential impacts to this sensitive habitat area may adequately be considered. Finally, **Special Condition Ten (10)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

Therefore, the Commission finds that, for the reasons set forth above, the proposed project, as conditioned, is consistent with the requirements of Sections 30010, 30231 and 30240 of the Coastal Act.

#### D. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems.

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation,*

*maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.*

As described in detail in the previous sections, the applicant is proposing to develop the subject site with a new single-family residence and other appurtenant structures. The proposed building location is located upslope from a tributary that contains sensitive habitat. The site is considered a "hillside" development, as it involves steeply to moderately sloping terrain with soils that are susceptible to erosion.

The proposed development will result in an increase in impervious surface at the subject site, which in turn decreases the infiltrative function and capacity of existing permeable land on site. Reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The

Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Three (3)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

In addition, the proposed project is conditioned to also implement a pool and spa drainage and maintenance plan to prevent uncontrolled drainage of the proposed swimming pool and spa such that drainage of pool water does not result in discharge of chemically treated water to coastal streams and drainages. The pool and spa drainage and maintenance plan, as detailed in **Special Condition Four (4)**, requires the applicant to submit a written pool and spa maintenance plan that contains an agreement to install and use a no chlorine or low chlorine purification system and a program to maintain proper pH, calcium and alkalinity balance in a manner such that any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area. In addition, **Special Condition Four (4)** prohibits discharge of pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Two (2)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources.

Finally, the proposed development includes the installation of an on-site private sewage disposal system to serve the residence. The County of Los Angeles, Department of Health Services, has given in-concept approval of the proposed septic system, determining that the system meets the requirements of the plumbing code. The Commission has found that conformance with the provisions of the plumbing code is protective of resources.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

#### **E. Cumulative Impacts**

Sections 30250 and 30252 of the Coastal Act address the cumulative impacts of new developments. Section 30250 (a) of the Coastal Act states:

- (a) *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Pursuant to Coastal Act Sections 30250 and 30252 cited above, new development raises issues relative to cumulative impacts on coastal resources. The construction of a second unit on a site where a primary residence exists intensifies the use of the subject parcel. The intensified use creates additional demands on public services, such as water, sewage, electricity, and roads. Thus, second units pose potential cumulative impacts in addition to the impacts otherwise caused by the primary residential development.

Based on the requirements of Coastal Act Section 30250 and 30252, the Commission has limited the development of second units on residential parcels in the Malibu and Santa Monica Mountain areas to a maximum of 750 sq. ft. In addition, the issue of second units on lots with primary residences has been the subject of past Commission action in certifying the Malibu Land Use Plan (LUP). In its review and action on the Malibu LUP, the Commission found that placing an upper limit on the size of second units (750 sq. ft.) was necessary given the traffic and infrastructure constraints which exist in Malibu and given the abundance of existing vacant residential lots. Furthermore, in allowing these small units, the Commission found that the small size of units (750 sq. ft.) and the fact that they are intended only for occasional use by guests, such units would have less impact on the limited capacity of Pacific Coast Highway and other roads (as well as infrastructure constraints such as water, sewage, and electricity) than an ordinary single family residence or residential second units. Finally, the

Commission has found in past permit decisions that a limit of 750 sq. ft. encourages the units to be used for their intended purpose –as a guest unit- rather than as second residential units with the attendant intensified demands on coastal resources and community infrastructure.

The second unit issue has also been raised by the Commission with respect to statewide consistency of both coastal development permits and Local Coastal Programs (LCPs). Statewide, additional dwelling units on single family parcels take on a variety of different forms which in large part consist of: 1) a second unit with kitchen facilities including a granny unit, caretaker's unit, or farm labor unit; and 2) a guesthouse, with or without separate kitchen facilities. Past Commission action has consistently found that both second units and guesthouses inherently have the potential to cumulatively impact coastal resources. Thus, conditions on coastal development permits and standards within LCP's have been required to limit the size and number of such units to ensure consistency with Chapter 3 policies of the Coastal Act in this area (Certified Malibu Santa Monica Mountains Land Use Plan 1986, page 29).

The applicant proposes to construct a two-story, 29 ft. high, 4,991 sq. ft. single family residence with attached garage and detached 627 sq. ft. pool house. The applicant is not proposing to construct a second residential unit, but is proposing to construct a significant detached structure that could potentially be converted for residential use in the future. The Commission finds that the proposed 627 sq. ft. pool house meets the 750 sq. ft. limitations for maximum habitable square footage for second units which may be considered a secondary dwelling.

The Commission has many past precedents on similar project proposals that have established a 750 sq. ft. maximum of habitable square footage for development of detached units that may be considered a secondary dwelling. The Commission notes that the applicant is not proposing to utilize the pool house as a secondary dwelling, therefore the structure may be reviewed as an accessory building to the proposed single family residence. However, the Commission finds it necessary to ensure that no additions or improvements are made to the detached structure in the future that may enlarge or further intensify the use of this structure without due consideration of the cumulative impacts that may result. Therefore, the Commission imposes **Special Condition Eight (8)**, the Future Development Restriction, which will require the applicant to obtain an amended or new coastal permit if additions or improvements to the detached structure are proposed in the future. In addition, **Special Condition Ten (10)** requires the applicant to record a deed restriction that imposes the terms and conditions of this permit, including the Future Development Restriction, as restrictions on use and enjoyment of the property and provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

As conditioned to minimize the potential for cumulative impacts resulting from the proposed development, the Commission finds that the proposed project is consistent with Section 30250 and 30252 of the Coastal Act.



**F. Local Coastal Program**

Section 30604 of the Coastal Act states:

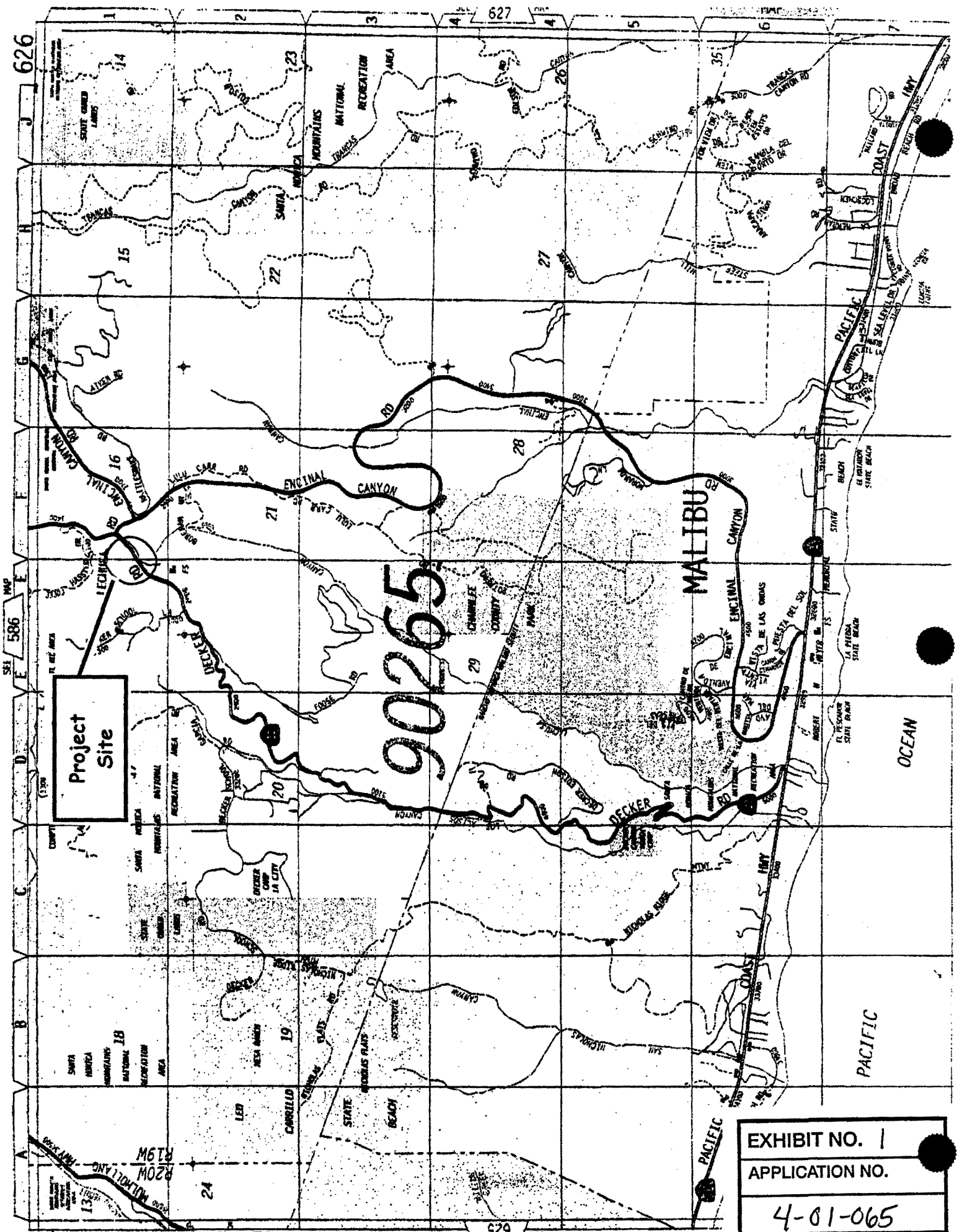
- A) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).*

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicants. As conditioned, the proposed project will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for the Malibu/Santa Monica Mountains area that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

**G. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmentally Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

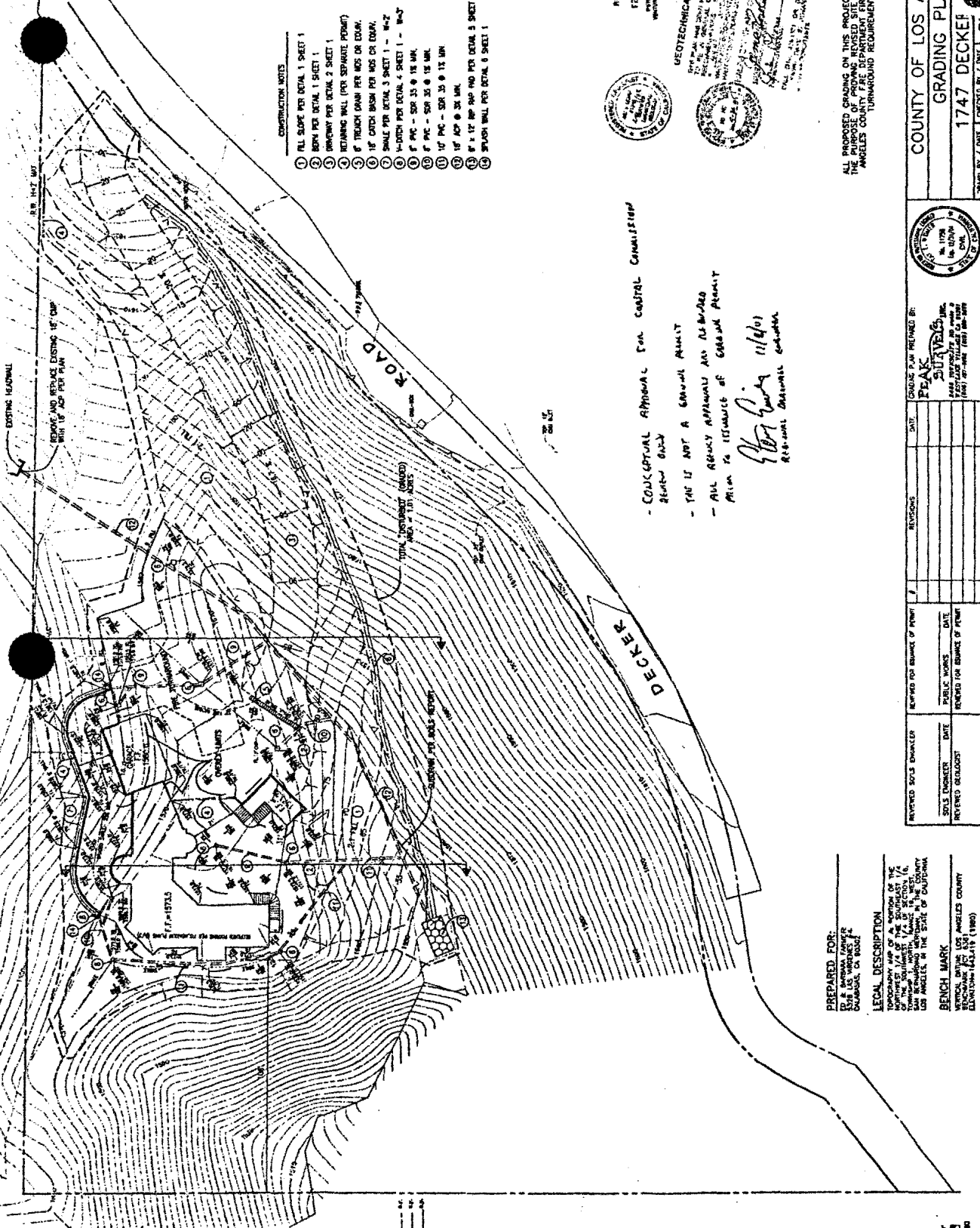
The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.



Project Site

90265

EXHIBIT NO. 1  
 APPLICATION NO.  
 4-01-065  
 VICINITY MAP



- CONSTRUCTION NOTES**
1. ALL SLOPE PER DETAIL 1 SHEET 3
  2. BENCH PER DETAIL 1 SHEET 1
  3. DRAINAGE PER DETAIL 2 SHEET 1
  4. RETAINING WALL PER SEPARATE POINT
  5. 6" TRUCKY DRAIN PER WS OR EDGM.
  6. 18" CATCH BASIN PER WS OR EDGM.
  7. SHALE PER DETAIL 3 SHEET 1 - W-2
  8. 4-DITCH PER DETAIL 4 SHEET 1 - W-2
  9. 8" PVC - SDR 35 @ 18 IN.
  10. 8" PVC - SDR 35 @ 18 IN.
  11. 10" PVC - SDR 35 @ 18 IN.
  12. 18" ASP @ 20 IN.
  13. 8" x 12" RCP R40 PER DETAIL 5 SHEET 1
  14. STUCCO WALL PER DETAIL 9 SHEET 1



**RECEIVED**  
 FEB 26 1964  
 COUNTY ENGINEER  
 COUNTY OF LOS ANGELES

**GEOTECHNICAL PLAN REVIEW**  
 REVIEWED BY: [Signature]  
 DATE: [Signature]  
 APPROVED BY: [Signature]

**CONCEPTUAL APPROVAL FOR CAPITAL CONSTRUCTION REVIEW ONLY**  
 - THE 17' RPT A GENERAL PLAN  
 - ALL AGENCY APPROVALS AND ALMS/ADO  
 - PLAN IS ESTIMATE OF GRADING PLAN  
 [Signature]  
 Regional District Engineer

ALL PROPOSED GRADING ON THIS PROJECT IS SOLELY FOR THE PURPOSE OF PROVIDING PROPOSED ACCESS FOR THE ANGELES COUNTY FIRE DEPARTMENT REQUIREMENTS. TURNAROUND REQUIREMENTS.

**LEGEND**

Symbol	Description
Circle with dot	Center Point
Solid Circle	Proposed Well
Open Circle	Existing Well
Circle with cross	Proposed Pole
Circle with horizontal lines	Proposed Pole
Circle with vertical lines	Proposed Pole
Circle with diagonal lines	Proposed Pole
Circle with cross-hatch	Proposed Pole
Circle with dots	Proposed Pole
Circle with vertical lines	Proposed Pole
Circle with horizontal lines	Proposed Pole
Circle with diagonal lines	Proposed Pole
Circle with cross-hatch	Proposed Pole
Circle with dots	Proposed Pole

**EARTHWORK QUANTITIES**

Code	Quantity	Unit	Description
01	312	cu	Excavation
02	218	cu	Backfill
03	113	cu	Import
04	51	cu	Export
05	51	cu	Export
06	51	cu	Export
07	51	cu	Export
08	51	cu	Export
09	51	cu	Export
10	51	cu	Export

**EXHIBIT NO. 2**

**APPLICATION NO.**

4-01-065

**SITE / GRADING PLAN**



**GRADING PLAN REVIEWED BY:**  
**PEAK SURVELLS INC.**  
 10001 W. 17th St., Suite 200  
 Los Angeles, CA 90024  
 (818) 442-1111 (FAX) 818-442-1112

**DATE: 02/26/64**

REVISIONS	DATE	REASON

REVIEWED SOils ENGINEER	DATE	REMARKS FOR CHANGE OF POINT
SOils ENGINEER	DATE	PUBLIC WORKS
REVIEWED GEOLOGIST	DATE	REMARKS FOR CHANGE OF POINT
GEOLOGIST	DATE	PUBLISHING

**PREPARED FOR:**  
 By [Signature]  
 CIVIL ENGINEER  
 LICENSE NO. [Number]  
 DURING THE PREPARATION OF THIS PLAN, THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBSTACLES TO THE GRADING WORK.

**LEGAL DESCRIPTION**  
 PORTION OF THE [Section] OF THE [Township] OF THE COUNTY OF LOS ANGELES, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED IN [Reference] OF THE PUBLIC RECORDS OF THE COUNTY OF LOS ANGELES, CALIFORNIA.

**BENCH MARK**  
 VERTICAL BENCH MARK IN LOS ANGELES COUNTY RECORDS BOOK [Number] PAGE [Number] ELEVATION [Height] (1985)

**COUNTY OF LOS ANGELES**  
**GRADING PLAN**  
**1747 DECKER**  
 DRAWN BY / DATE: [Signature] / [Date]  
 CHECKED BY / DATE: [Signature] / [Date]

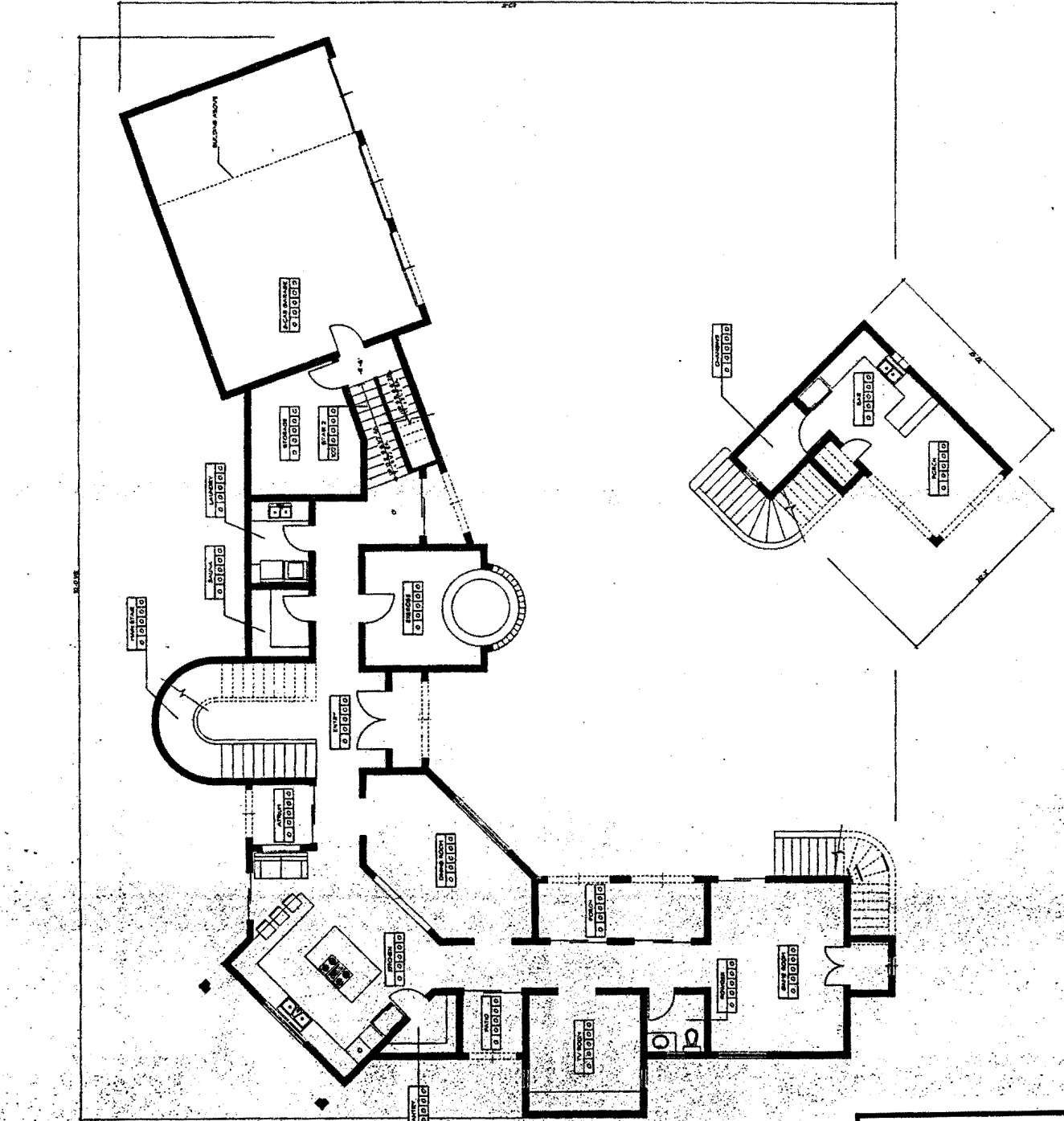
REVISIONS  
DATE  
BY

PROJECT NO. 100-1000  
DATE: 10/15/00  
BY: [Signature]

For  
84 and Barber Corner  
7747 Decker Canyon Road  
Petaluma, California  
Phone (415) 460-1030

LARRY BRIDGES ARCHITECTS  
1225 S. MARINA BLVD. SUITE 200, PETALUMA, CA 94954  
PHONE: (415) 460-1030

NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. FINISHES ARE TO BE AS SHOWN ON THE FINISH SCHEDULE.  
3. SEE ELECTRICAL AND MECHANICAL SCHEDULES FOR DETAILS.  
4. SEE STRUCTURAL DRAWINGS FOR COLUMN AND BEAM LOCATIONS.  
5. SEE MECHANICAL DRAWINGS FOR HVAC SYSTEMS.  
6. SEE ELECTRICAL DRAWINGS FOR LIGHTING AND POWER.  
7. SEE PLUMBING DRAWINGS FOR TOILETS AND SINKS.  
8. SEE PAINT SCHEDULE FOR WALL AND CEILING FINISHES.  
9. SEE FLOORING SCHEDULE FOR FLOOR FINISHES.  
10. SEE WINDOW SCHEDULE FOR WINDOW FINISHES.  
11. SEE DOOR SCHEDULE FOR DOOR FINISHES.  
12. SEE STAIR SCHEDULE FOR STAIR FINISHES.  
13. SEE RAMP SCHEDULE FOR RAMP FINISHES.  
14. SEE ELEVATIONS FOR FINISHES AND DETAILS.  
15. SEE SECTION CUTS FOR FINISHES AND DETAILS.  
16. SEE MATERIAL SAMPLES FOR FINISHES AND DETAILS.  
17. SEE SPECIFICATIONS FOR FINISHES AND DETAILS.  
18. SEE CONTRACT DOCUMENTS FOR FINISHES AND DETAILS.  
19. SEE PERMITS FOR FINISHES AND DETAILS.  
20. SEE LOCAL CODES FOR FINISHES AND DETAILS.



Lower Level Floor Plan & Cabana  
DATE: 10/15/00  
BY: [Signature]

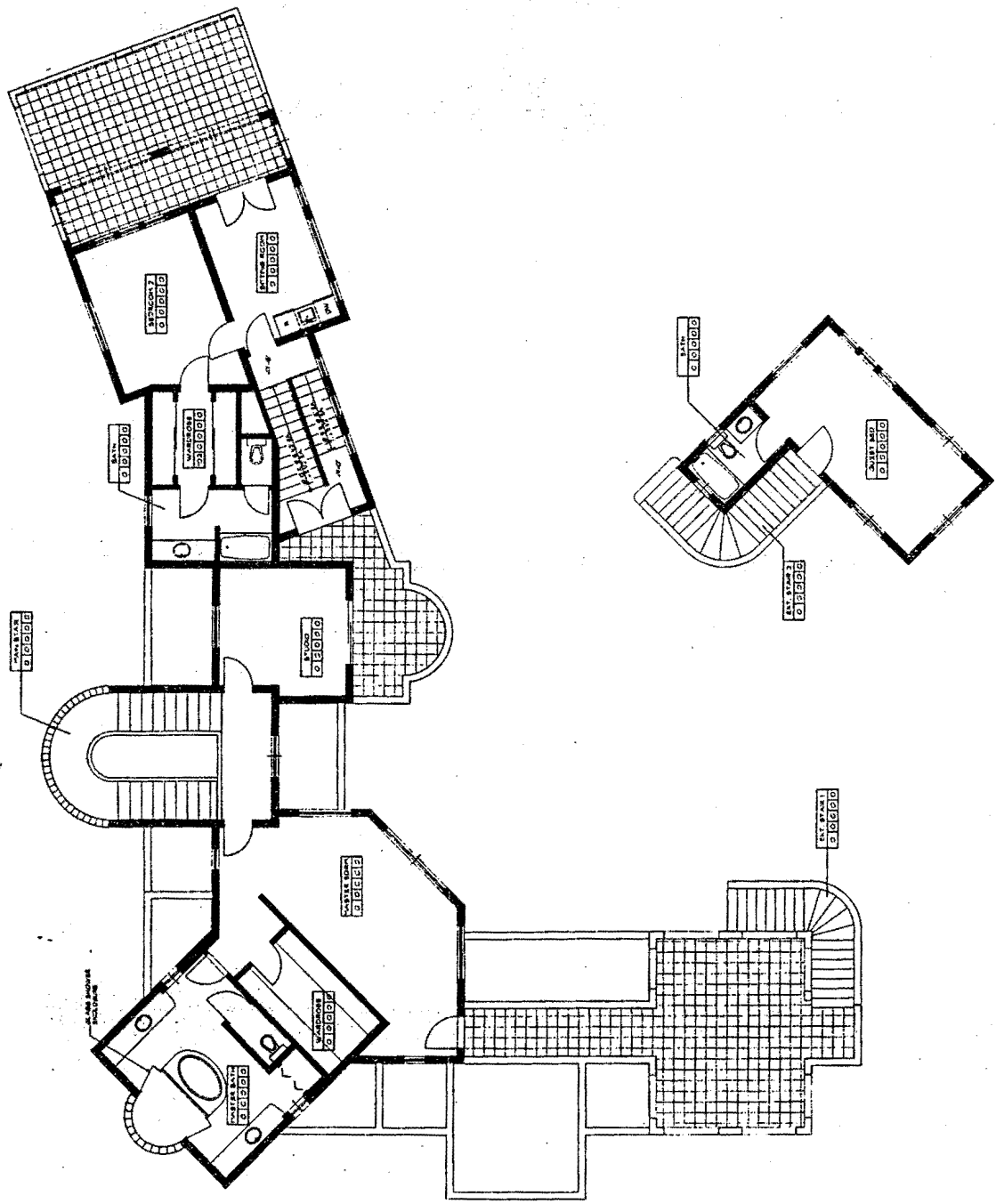
EXHIBIT NO. 3  
APPLICATION NO.  
4-01-065  
FIRST FLOOR + CABANA

Custom Residence

Larry Wilroy Architects

- ROOM NUMBER
- 1.0000
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  - 1.0200
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- FLOOR PLAN LEGEND
- 1.0000 10' x 10' WALL
  - 2.0000 12' x 12' WALL
  - 3.0000 14' x 14' WALL
  - 4.0000 16' x 16' WALL
  - 5.0000 18' x 18' WALL
  - 6.0000 20' x 20' WALL
  - 7.0000 22' x 22' WALL
  - 8.0000 24' x 24' WALL
  - 9.0000 26' x 26' WALL
  - 10.0000 28' x 28' WALL
  - 11.0000 30' x 30' WALL
  - 12.0000 32' x 32' WALL
  - 13.0000 34' x 34' WALL
  - 14.0000 36' x 36' WALL
  - 15.0000 38' x 38' WALL
  - 16.0000 40' x 40' WALL
  - 17.0000 42' x 42' WALL
  - 18.0000 44' x 44' WALL
  - 19.0000 46' x 46' WALL
  - 20.0000 48' x 48' WALL
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  - 30.0000 68' x 68' WALL
  - 31.0000 70' x 70' WALL
  - 32.0000 72' x 72' WALL
  - 33.0000 74' x 74' WALL
  - 34.0000 76' x 76' WALL
  - 35.0000 78' x 78' WALL
  - 36.0000 80' x 80' WALL
  - 37.0000 82' x 82' WALL
  - 38.0000 84' x 84' WALL
  - 39.0000 86' x 86' WALL
  - 40.0000 88' x 88' WALL
  - 41.0000 90' x 90' WALL
  - 42.0000 92' x 92' WALL
  - 43.0000 94' x 94' WALL
  - 44.0000 96' x 96' WALL
  - 45.0000 98' x 98' WALL
  - 46.0000 100' x 100' WALL



Upper Level Floor Plan & Cabana

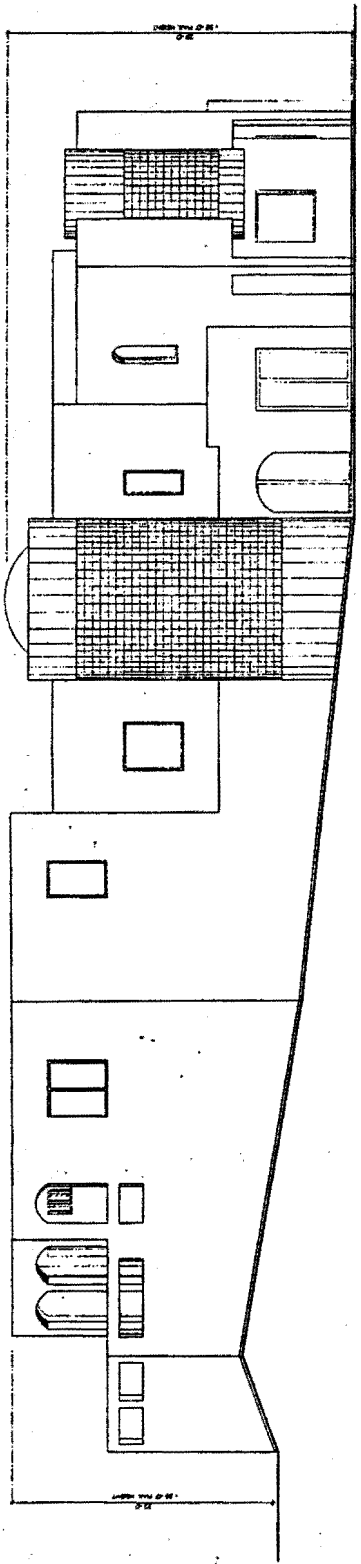
EXHIBIT NO. 4  
 APPLICATION NO.  
 4-01-065  
 SECOND FLOOR PLAN

ERRY BRIDG ARCHITECTS  
A PROFESSIONAL CORPORATION  
10000 W. 10th Avenue, Suite 100  
Denver, Colorado 80202  
Tel: 303.755.1100  
Fax: 303.755.1101  
www.errybridg.com

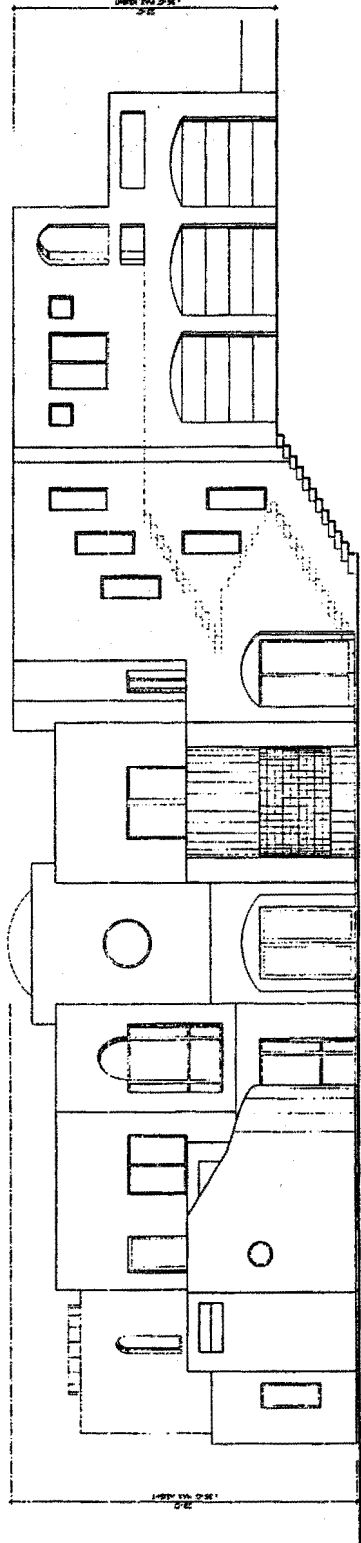
Custom Residence  
10000 W. 10th Avenue, Suite 100  
Denver, Colorado 80202  
Tel: 303.755.1100  
Fax: 303.755.1101  
www.errybridg.com

FEB 21 2006  
AZO

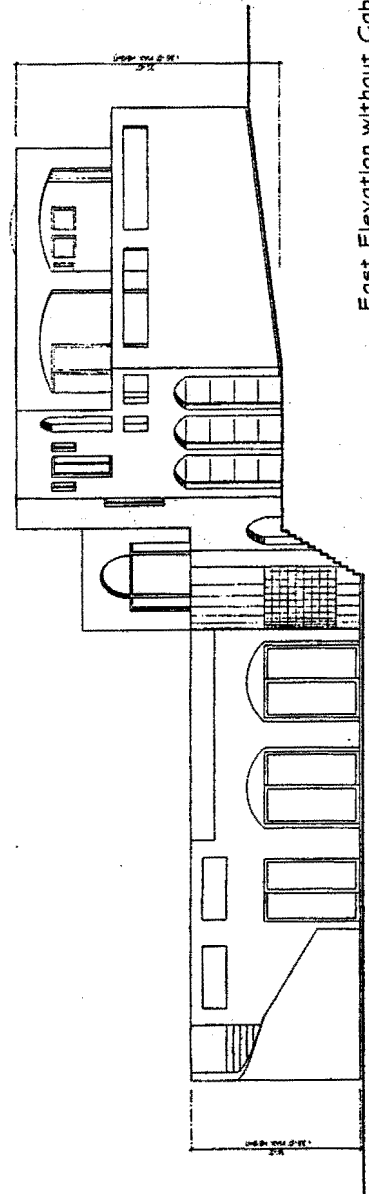
NOT SCALE  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT.  
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
6. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.  
7. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION.  
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.  
9. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
10. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.  
11. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION.  
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.  
13. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
14. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.  
15. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION.  
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.  
17. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
18. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.  
19. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION.  
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.



North Elevation without Cabana  
1/2" = 1'-0"



South Elevation without Cabana  
1/2" = 1'-0"



East Elevation without Cabana  
1/2" = 1'-0"

EXHIBIT NO. 5  
APPLICATION NO.  
4-01-065  
ELEVATIONS

**Custom Residence**

For  
 Ed and Barbara Farmer  
 1747 Decker, Cotton Field  
 17000, Oak Ridge  
 New York 12558

LARRY BRINLEY ARCHITECT  
 A PROFESSIONAL CORPORATION  
 300 South West 10th Street, Suite 200  
 Fort Lauderdale, Florida 33301  
 Phone (305) 441-1234

DATE: 11/11/83  
 DRAWING NO. 4-01-065

SCALE: 1/8" = 1'-0"

SHEET NO. 1 OF 1

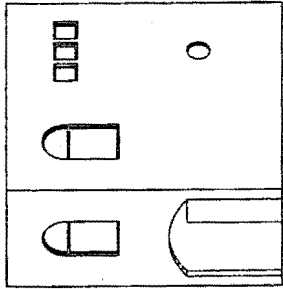
PROJECT NO. 4-01-065

SHEET TITLE: ELEVATIONS

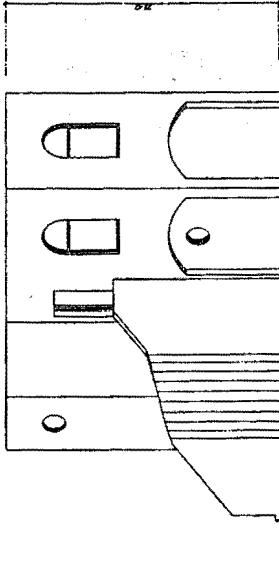
SHEET NO. 1 OF 1

PROJECT NO. 4-01-065

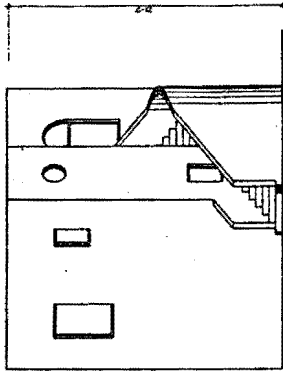
SHEET TITLE: ELEVATIONS



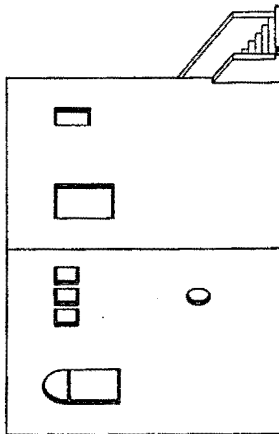
South Elevation @ Cabana  
 SCALE: 1/8" = 1'-0"



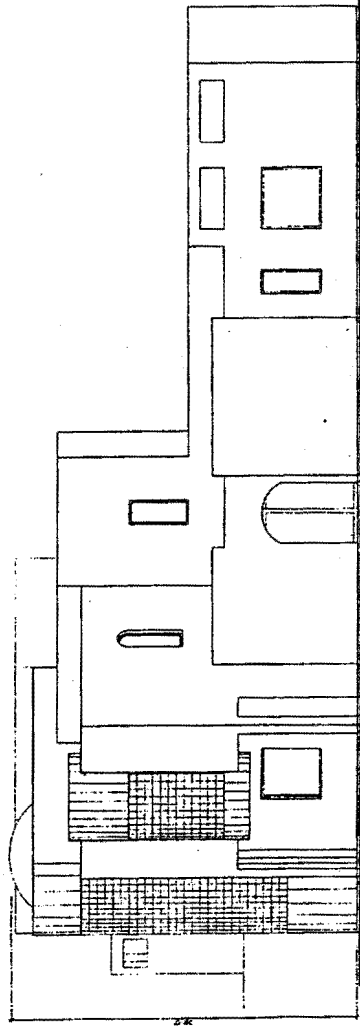
West Elevation @ Cabana  
 SCALE: 1/8" = 1'-0"



North Elevation @ Cabana  
 SCALE: 1/8" = 1'-0"



East Elevation @ Cabana  
 SCALE: 1/8" = 1'-0"



West Elevation without Cabana  
 SCALE: 1/8" = 1'-0"

EXHIBIT NO. 6
APPLICATION NO.
4-01-065
ELEVATIONS

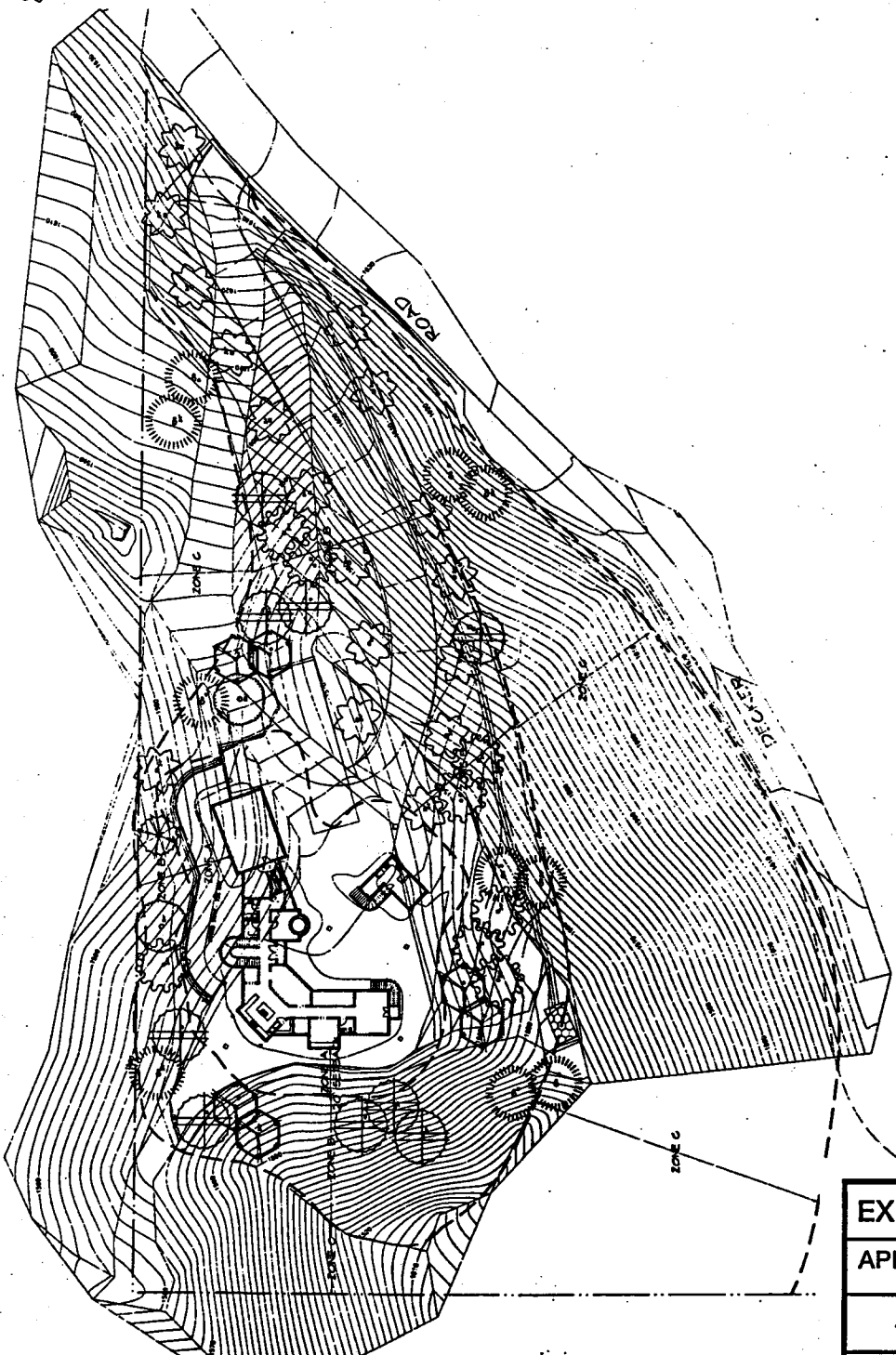
FARMER RESIDENCE  
 1747 DECKER ROAD  
 CALABASAS, CA 91302

TREE PLAN

Eastwood-Donald Galleries  
 1111 Avenue One  
 Suite 100  
 Valley View  
 Calabasas, CA  
 Contact: (818) 100-0000

PLANT LEGEND

TREES	SYMBOL	SIZE	PLANTING DATE	COMMENTS	DATE	NOTES
1. 10" DBH	[Symbol]	10"				
2. 8" DBH	[Symbol]	8"				
3. 6" DBH	[Symbol]	6"				
4. 4" DBH	[Symbol]	4"				
5. 2" DBH	[Symbol]	2"				
6. 1" DBH	[Symbol]	1"				
7. 1/2" DBH	[Symbol]	1/2"				



FUEL MODIFICATION PLAN ASSESSMENT  
 ZONE A - SETBACK ZONE

- 1. Remove all trees within the setback zone of 100 feet or greater.
- 2. Retain all trees within the setback zone that are 100 feet or greater in height.
- 3. Retain all trees within the setback zone that are 100 feet or greater in height and have a canopy diameter of 10 feet or greater.
- 4. Retain all trees within the setback zone that are 100 feet or greater in height and have a canopy diameter of 10 feet or greater and are located within a fire-resistant zone.
- 5. Retain all trees within the setback zone that are 100 feet or greater in height and have a canopy diameter of 10 feet or greater and are located within a fire-resistant zone and are located within a fire-resistant zone.

ZONE B - IRRIGATED ZONE

- 1. Retain all trees within the irrigated zone.
- 2. Remove all trees within the irrigated zone that are 100 feet or greater in height.
- 3. Remove all trees within the irrigated zone that are 100 feet or greater in height and have a canopy diameter of 10 feet or greater.
- 4. Remove all trees within the irrigated zone that are 100 feet or greater in height and have a canopy diameter of 10 feet or greater and are located within a fire-resistant zone.

ZONE C - THINNING ZONE

- 1. Retain all trees within the thinning zone.
- 2. Remove all trees within the thinning zone that are 100 feet or greater in height.
- 3. Remove all trees within the thinning zone that are 100 feet or greater in height and have a canopy diameter of 10 feet or greater.
- 4. Remove all trees within the thinning zone that are 100 feet or greater in height and have a canopy diameter of 10 feet or greater and are located within a fire-resistant zone.

MAINTENANCE

MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE OWNER. THE OWNER SHALL MAINTAIN ALL TREES AND SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY TREES THAT ARE REMOVED OR DAMAGED. THE OWNER SHALL MAINTAIN ALL TREES AND SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY TREES THAT ARE REMOVED OR DAMAGED. THE OWNER SHALL MAINTAIN ALL TREES AND SHALL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY TREES THAT ARE REMOVED OR DAMAGED.

FIRE ACCESS ROAD

FIRE ACCESS ROAD SHALL BE MAINTAINED BY THE OWNER. THE OWNER SHALL MAINTAIN ALL FIRE ACCESS ROADS AND SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO THE ROAD. THE OWNER SHALL MAINTAIN ALL FIRE ACCESS ROADS AND SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO THE ROAD.

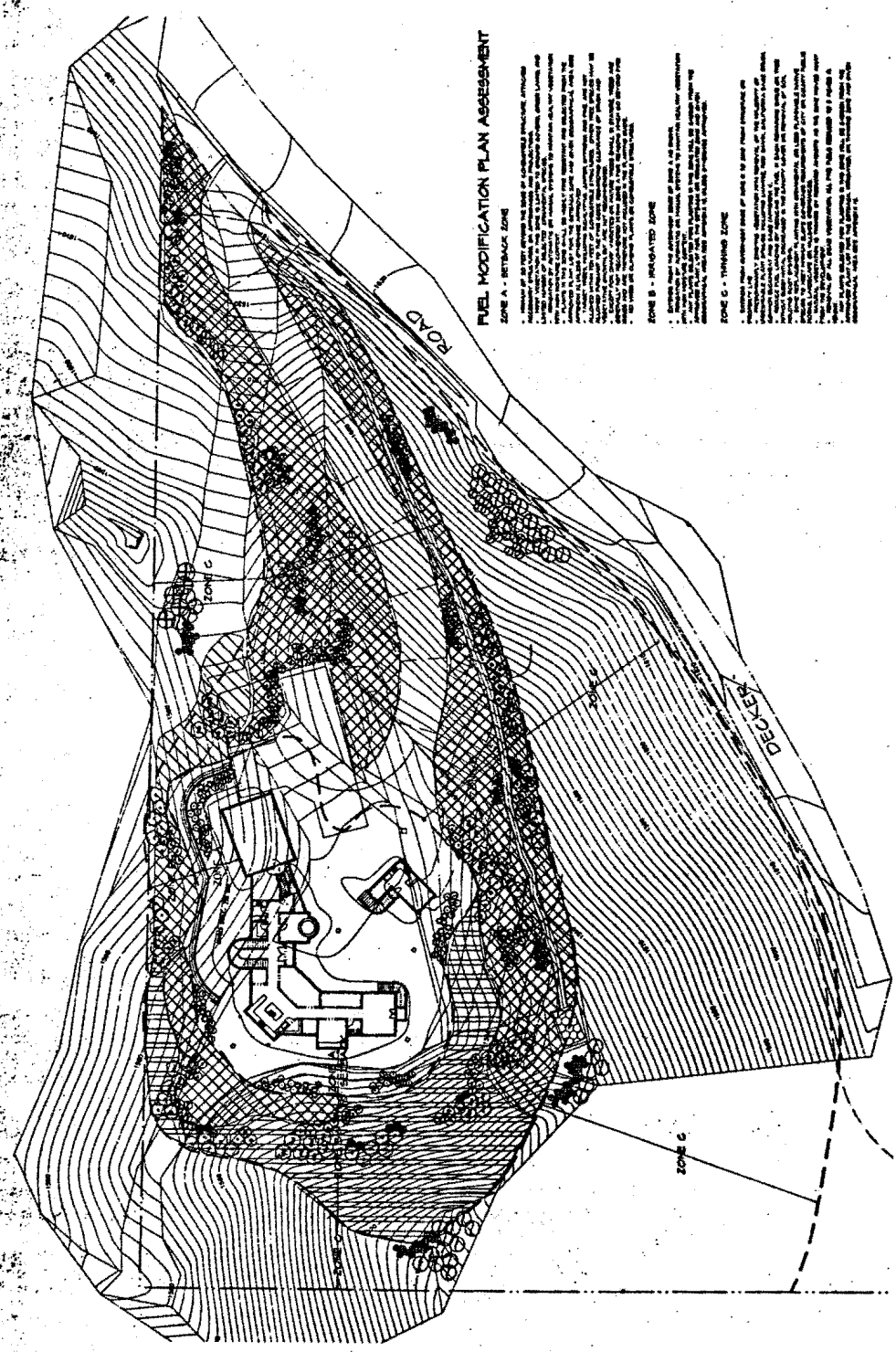
LONG TERM MAINTENANCE AGREEMENT

LONG TERM MAINTENANCE AGREEMENT SHALL BE MAINTAINED BY THE OWNER. THE OWNER SHALL MAINTAIN ALL LONG TERM MAINTENANCE AGREEMENTS AND SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO THE AGREEMENT.

EXHIBIT NO. 7
APPLICATION NO.
4-01-065
LANDSCAPE PLANS(1)

RECEIVED  
 10/11/06  
 CALABASAS CITY ENGINEERING DEPARTMENT





**FUEL MODIFICATION PLAN ASSESSMENT**

**ZONE A - RETRACK ZONE**

RETRACK ZONE: This zone is defined as the area within 10 feet of the building footprint. The purpose of this zone is to ensure that the building footprint is protected from fire. All vegetation within this zone must be removed or replaced with fire-resistant plants. The retrack zone is shown on the map as a cross-hatched area.

**ZONE B - IRIGATED ZONE**

IRIGATED ZONE: This zone is defined as the area within 10 feet of the retrack zone. The purpose of this zone is to ensure that the area immediately surrounding the building is protected from fire. All vegetation within this zone must be removed or replaced with fire-resistant plants. The irigated zone is shown on the map as a diagonal-hatched area.

**ZONE C - THINNING ZONE**

THINNING ZONE: This zone is defined as the area within 10 feet of the irigated zone. The purpose of this zone is to ensure that the area immediately surrounding the building is protected from fire. All vegetation within this zone must be removed or replaced with fire-resistant plants. The thinning zone is shown on the map as a horizontal-hatched area.

**MAINTENANCE**

MAINTENANCE: The purpose of this section is to ensure that the landscape plan is maintained. All vegetation within the zones must be maintained in accordance with the plan. The maintenance schedule is as follows: Zone A - Retrack Zone: Annual maintenance; Zone B - Irigated Zone: Annual maintenance; Zone C - Thinning Zone: Annual maintenance.

**FIRE ACCESS ROAD**

FIRE ACCESS ROAD: The purpose of this section is to ensure that the fire access road is maintained. The fire access road is shown on the map as a dashed line. The fire access road must be maintained in accordance with the plan.

**LONG TERM MAINTENANCE AGREEMENT**

LONG TERM MAINTENANCE AGREEMENT: The purpose of this section is to ensure that the landscape plan is maintained for a long period of time. The long term maintenance agreement is as follows: The landscape plan must be maintained in accordance with the plan for a period of 10 years.

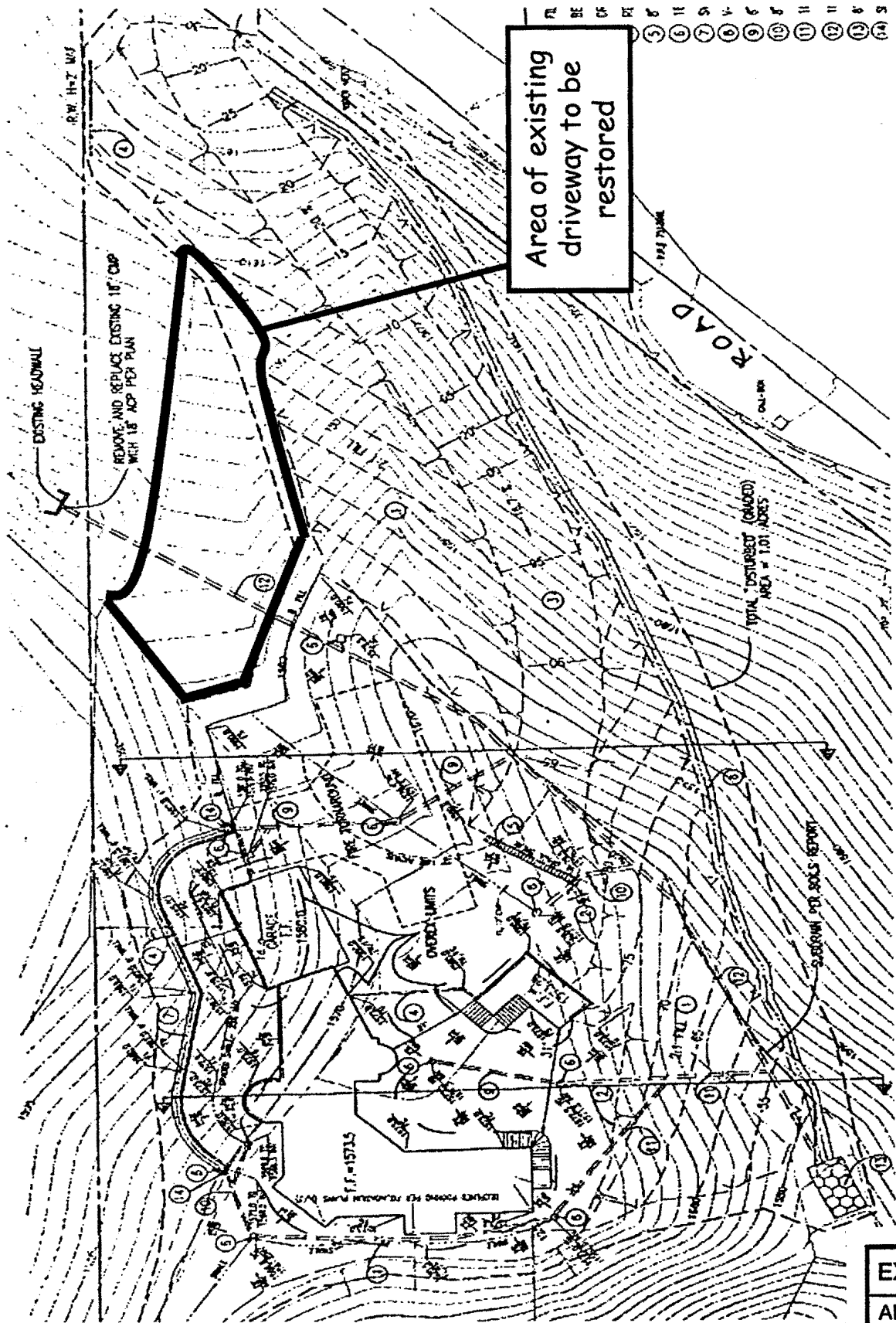
**PLANT LEGEND**

SYMBOL	PLANT NAME	PLANT TYPE	PLANT SIZE	PLANT COLOR
①	1.04	Shrub	Small	Green
②	1.04	Shrub	Small	Green
③	1.04	Shrub	Small	Green
④	1.04	Shrub	Small	Green
⑤	1.04	Shrub	Small	Green
⑥	1.04	Shrub	Small	Green
⑦	1.04	Shrub	Small	Green
⑧	1.04	Shrub	Small	Green
⑨	1.04	Shrub	Small	Green
⑩	1.04	Shrub	Small	Green
⑪	1.04	Shrub	Small	Green
⑫	1.04	Shrub	Small	Green
⑬	1.04	Shrub	Small	Green
⑭	1.04	Shrub	Small	Green
⑮	1.04	Shrub	Small	Green
⑯	1.04	Shrub	Small	Green
⑰	1.04	Shrub	Small	Green
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⑲	1.04	Shrub	Small	Green
⑳	1.04	Shrub	Small	Green
㉑	1.04	Shrub	Small	Green
㉒	1.04	Shrub	Small	Green
㉓	1.04	Shrub	Small	Green
㉔	1.04	Shrub	Small	Green
㉕	1.04	Shrub	Small	Green
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㊱	1.04	Shrub	Small	Green
㊲	1.04	Shrub	Small	Green
㊳	1.04	Shrub	Small	Green
㊴	1.04	Shrub	Small	Green
㊵	1.04	Shrub	Small	Green
㊶	1.04	Shrub	Small	Green
㊷	1.04	Shrub	Small	Green
㊸	1.04	Shrub	Small	Green
㊹	1.04	Shrub	Small	Green
㊺	1.04	Shrub	Small	Green
㊻	1.04	Shrub	Small	Green
㊼	1.04	Shrub	Small	Green
㊽	1.04	Shrub	Small	Green
㊾	1.04	Shrub	Small	Green
㊿	1.04	Shrub	Small	Green

**GROUND COVER**

SYMBOL	GROUND COVER NAME
⊕	1.04
⊖	1.04
⊗	1.04
⊘	1.04

EXHIBIT NO. 8  
APPLICATION NO.  
4-01-065  
LANDSCAPE PLANS(2)



Area of existing driveway to be restored

EXHIBIT NO. 9  
 APPLICATION NO.  
 4-01-065  
 DRIVEWAY DETAIL

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## Photos 1-8

Photos of project site, starting at base of existing driveway and rotating clockwise.

Photos are taken from the pad area.

EXHIBIT NO. 10
APPLICATION NO.
4-01-065
PHOTOS (6pp.)



1



2



3



4



5



6



7



8



View of site from knoll west of pad. Existing driveway is on the left. Decker Canyon Road runs left to right near the top of photo.



View of site from Decker Canyon Road, looking southwest. Driveway is on right.